

## II. REMARKS

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1, 8-11, 18-21, 23-27, 29, and 35-46 are pending in the application, with 1, 11, 19, 21, 29, 35, 37, and 40 being the independent claims. Claims 22 and 28 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. Claim 21 is sought to be amended. New claims 44-46 are sought to be added. Support for new claims 44-46 can be found throughout the specification and in the claims, particularly claim 1, as originally filed. These changes are believed to introduce no new matter, and their entry is respectfully requested. Based on the above amendment and the following Remarks, Applicants respectfully request that the examiner reconsider all outstanding objections and rejections and that they be withdrawn.

The Applicants thank the Examiner for taking his time to discuss this application during a telephone interview on June 11, 2002. During this interview, the Applicants explained how claim 1, as previously amended in the Amendment filed January 29, 2002, was novel and non-obvious from the art cited by the Examiner. The Applicants explained that while Suzuki discloses header data in association with a voice data file, that reference only discloses routing the data on the basis of a single field in the header file, namely a destination ID. The Applicants further explained that in the presently claimed invention, data is routed on the basis of other, different information in the header. The Examiner and Applicants agreed that claim 1 and the other pending claims in this application are novel and non-obvious over the art currently of record.

**A. Rejections Under 35 U.S.C. § 103**

*1. Rejection of Claims 1, 11, and 29 Over Barker in View of Suzuki*

The Examiner rejected claims 1, 11, and 29 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Barker (U.S. Pat. No. 5,818,800) in view of Suzuki (U.S. Pat. No. 5,986,568).

The Applicants request that this rejection be withdrawn because Barker and Suzuki, either alone or in combination, neither disclose nor suggest the inventions of claims 1, 11, and 29.

The Examiner writes that Barker discloses a voice data management system comprising, *inter alia*, “storing corresponding header data in association with each of the stored data files (column 2, lines 46-49).”<sup>1</sup> The Applicants respectfully disagree with the Examiner’s position as to what is disclosed by Barker at the cited sections. The Examiner’s citation to column 2, lines 46-49 refers not to header data, but rather to a bar graph display on a digital audio recorder (DAR) that indicates how much memory is left in the DAR for further voice recording. Further, the Examiner’s citation to column 2, lines 41-44<sup>2</sup> likewise does not refer to any header data, but rather to the fact that when the DAR records voice data, the memory of the DAR fills up. The bar graph display referred to by Barker in column 2 reflects no information about the recorded data itself – it merely indicates how much storage space remains in the DAR. This is in sharp contrast to the present invention, which involves associating a header with a digital audio file and routing the file electronically based on the information content of the header. Nowhere does Barker disclose a header associated with a digital audio file at all, let alone using the information in a digital audio file to route data. In addition, the Examiner has stated that “Barker fails to

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<sup>1</sup> Paper No. 7 at p. 2.

<sup>2</sup> Paper No. 7 at p. 4

disclose reading the header data...,”<sup>3</sup> and has recognized that Barker fails to disclose other information processing devices.<sup>4</sup>

Suzuki does not supplement Barker’s deficiencies. The data file disclosed by Suzuki contains a predetermined numerical value that must be explicitly entered by the user, who must specify the intended recipients of the data in order to properly route the data through a server to the intended recipients.<sup>5</sup> The user must have an intended recipient or a group of recipients in mind and must enter the code for that particular intended recipient or group into the header explicitly.<sup>6</sup> This is in contrast with the claimed invention, which allows data to be transferred to a recipient on the basis of information in a corresponding header file, even when the user did not contemplate any particular intended recipient and did not explicitly specify any particular recipient. Contrary to the Examiner’s assertion that Suzuki “uses said header data to determine whether to transfer the corresponding voice data file...,”<sup>7</sup> in fact, Suzuki uses *only* the predetermined numerical value to determine whether to transfer the corresponding voice data file, and *not* any other information in the header. Thus, the data routing in Suzuki is entirely different from that of the invention of claims 1, 11, and 29, which route the data on the basis of one of (a) an identity of the DAR, (b) the subject matter of the voice data file, and (c) a work type of the voice data file.

The Examiner wrote that Suzuki’s header contains information regarding (a) an identity of the DAR, (b) the subject matter of the voice data file, and (c) a work type of the voice data

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<sup>3</sup> Paper No. 7 at pp. 4 and 5.

<sup>4</sup> Paper No. 7 at p. 2.

<sup>5</sup> See Suzuki at col. 26, ll. 10-21.

<sup>6</sup> See Suzuki at col. 23, l. 66 – col. 24, l. 10 and FIGS 24-26 and accompanying text at col. 22, l. 7 – col. 23, l. 12.

<sup>7</sup> Paper No. 7 at pp. 3, 4, and 5.

file.<sup>8</sup> However, what Suzuki does not disclose, and in fact what Suzuki can be read to teach away from, is using that header information to route data files. Suzuki's approach to data file routing is very different – it explicitly states the intended destination for the data, whereas the presently claimed method determines a destination for the data from other header information, even when there is no explicit statement of the intended destination in the header.

There is nothing in either Suzuki or Barker that would motivate one skilled in this art to combine them. Yet even if there were, Suzuki and Barker, either alone or in combination, neither disclose nor suggest any method involving data routing on the basis of anything other than an explicit specification of the intended recipients of the data.

2. *Rejection of Claims 8 and 18 Over Barker in View of Suzuki and Salazar*

The Examiner rejected claims 8 and 18 over Barker (U.S. Pat. No. 5,818,800) in view of Suzuki (U.S. Pat. No. 5,986,568) for the same reasons as for the rejection of claims 1 and 11, and used Salazar (U.S. Pat. No. 5,774,841) to allegedly supplement the deficiency of Barker in view of Suzuki, which do not disclose that another information processing device is another personal computer.<sup>9</sup> However, Barker, Suzuki, and Salazar, either alone or in combination, neither disclose nor suggest routing voice data on the basis of one of (a) an identity of the DAR, (b) the subject matter of the voice data file, and (c) a work type of the voice data file. The combination of Barker and Suzuki does not disclose or suggest this feature of the presently claimed invention for the reasons set forth *supra* in section II.A.1. The Examiner has not pointed to anything in any of the cited references that would provide a motivation for those skilled in the art to combine

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<sup>8</sup> Paper No. 7 at p. 3.

<sup>9</sup> Paper No. 7 at p. 7.

them with Salazar. Nonetheless, Salazar merely teaches an improved voice recognition system which can be trained and operated by voice commands, but does not disclose routing voice data on the basis of information in a corresponding header. Salazar thus cannot supplement the deficiencies of the Barker/Suzuki combination.

3. *Rejection of Claims 10, 20, and 36 Over Barker in View of Suzuki and Bergeron*

The Examiner rejected claims 10, 20, and 36 over Barker (U.S. Pat. No. 5,818,800) in view of Suzuki (U.S. Pat. No. 5,986,568) for the same reasons as for the rejection of claims 1, 11, and 29, and used Bergeron to allegedly supplement the deficiency of Barker in view of Suzuki, which do not disclose that another information processing device is a voice mail system.<sup>10</sup> However, Barker, Suzuki, and Salazar, either alone or in combination, neither disclose nor suggest routing voice data on the basis of one of (a) an identity of the DAR, (b) the subject matter of the voice data file, and (c) a work type of the voice data file.<sup>11</sup> For the reasons set forth above in section II.A.1, the combination of Barker and Suzuki do not disclose or suggest this feature of the presently claimed invention. The Examiner has not pointed to anything in any of the cited references that would provide a motivation for those skilled in the art to combine the cited references with Bergeron. Furthermore, Bergeron merely teaches a system in which voice mail routing and routing to a central dictation system are combined in a single message delivery system. However, Bergeron does not disclose using automated data routing; rather Bergeron discloses a human supervisor operator to route data which data may be routed according to criteria other than that required by the claims at issue here. Bergeron thus cannot supplement that deficiencies of the Barker/Suzuki combination.

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<sup>10</sup> Paper No. 7 at p. 8.

4. *Rejection of Claims 9, 19, 21, 27, 28, 35, 37-40, and 42  
Over Barker in View of Bergeron*

The Examiner rejected claims 9, 19, 21, 27, 28, 35, 37-40, and 42 over Barker (U.S. Pat. No. 5,818,800) in view of Bergeron (U.S. Pat. No. 5,033,077).<sup>12</sup> Claim 28 has been canceled, thus obviating its rejection. The subject matter of the remaining claims, including claim 21, as amended, is neither disclosed nor suggested by Barker, Bergeron, or the combination for the reasons given in sections II.A.4.a-c below. Furthermore, the Examiner has cited nothing in either of these references that would suggest combining them. No *prima facie* case of obviousness has been established.

a. Claims 9, 19, 27, and 35 – Routing to a Central  
Dictation System on the Basis of Header Data

Claims 9, 19, 27, and 35 recite that a personal computer reads header data, and on the basis of the header data, determines whether to transfer the corresponding voice data file to a central dictation system. Neither Barker nor Bergeron, alone or in combination, disclose or suggest a header corresponding to voice data on the basis of which a computer determines whether to transfer the voice data file to a central dictation system. Barker fails to disclose a central dictation system, and also fails to disclose any computer-readable header.<sup>13</sup> The Examiner's citation to Bergeron at col. 5, ll. 34-37<sup>14</sup> does not establish obviousness, and in fact teaches away from using a computer to read headers and route data on the basis of the headers. At col. 5, ll. 34-37, Bergeron explicitly states that the message controller "may be included in a supervisory control station operable by a supervisory operator to select desired voice messages

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<sup>11</sup> See § II.A.1, *supra*.

<sup>12</sup> Paper No. 7 at p. 9.

<sup>13</sup> See § II.A.1, *supra*.

<sup>14</sup> Paper No. 7 at p. 9.

for reproduction and transmission to desired transcribe stations. For example, depending upon the type of message which is stored, the supervisory operator may determine that a particular transcriptionist is best able to transcribe that message.”<sup>15</sup> Thus Bergeron clearly teaches that there is a human operator, the supervisory operator, and *not* a computer that automatically routes voice data based on information in a header associated with the voice data. Furthermore, the Examiner has cited nothing in either Barker or Bergeron that would provide a motivation to combine those references.

b. Claim 21 – Routing to a Voice Mail System on the Basis of Header Data

Claim 21 recites that a personal computer reads header data, and on the basis of the header data, determines whether to transfer the corresponding voice data file to a voice mail system. Neither Barker nor Bergeron, alone or in combination, disclose or suggest a header corresponding to voice data on the basis of which a computer transfers the voice data file to a voice mail system. Barker fails to disclose any computer-readable header.<sup>16</sup> The Examiner’s citation to Bergeron at col. 5, ll. 34-37<sup>17</sup> does not establish obviousness, and in fact teaches away from using a computer to read headers and route data on the basis of the headers. At col. 5, ll. 34-37, Bergeron explicitly states that the message controller “may be included in a supervisory control station operable by a supervisory operator to select desired voice messages for reproduction and transmission to desired transcribe stations. For example, depending upon the type of message which is stored, the supervisory operator may determine that a particular

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<sup>15</sup> U.S. Pat. No. 5,033,077 at col. 5, ll. 34-41.

<sup>16</sup> See § II.A.1, *supra*.

<sup>17</sup> Paper No. 7 at p. 9.

transcriptionist is best able to transcribe that message.”<sup>18</sup> Thus Bergeron clearly teaches that there is a human operator, the supervisory operator, and *not* a computer that automatically routes voice data based on information in a header associated with the voice data. Furthermore, the Examiner has cited nothing in either Barker or Bergeron that provides a motivation to combine those references.

c. Claims 37-40 and 42 – Routing Information in a Header by Computer Voice Recognition

Claims 37-40 and 42 recite that a speech recognition algorithm is applied to recipient information to generate recipient data. Nothing in Barker or Bergeron or the combination discloses or suggests using speech recognition to generate a header for use by a computer to route a voice data file. The Examiner wrote that Barker discloses that a “speech recognition algorithm is applied to said transferred recipient information by said personal computer to generate said recipient data (column 3, lines 36-41).”<sup>19</sup> Applicants respectfully disagree with the Examiner’s position as to what is disclosed or taught by Barker at the cited sections. The cited portion of Barker reads, “The computer can use the microphone signal for a variety of purposes. For example, if the computer includes speech recognition software, it may analyze the stored samples and prepare therefrom a document containing a textual transcript of the speech.” Applicants respectfully suggest that Barker merely recognizes that speech recognition software can be used to transcribe digitized voice data. This passage does not at all imply that speech recognition is

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<sup>18</sup> U.S. Pat. No. 5,033,077 at col. 5, ll. 34-41.

<sup>19</sup> Paper No. 7 at pp. 15 and 16.



used in any way related to the generation of recipient data, nor does it imply that a data processing device is selected on the basis of the recipient data.

5. *Rejection of Claims 22-25 over Barker in view of Bergeron and Suzuki*

The Examiner rejected claims 22-25 over Barker (U.S. Pat. No. 5,818,800) in view of Bergeron (U.S. Pat. No. 5,033,077) and Suzuki (U.S. Pat. No. 5,986,568).<sup>20</sup> Claim 22 has been canceled, thus obviating its rejection. The subject matter of the remaining claims is non-obvious over the cited references for the reasons set forth *supra* in section II.A.4.a-b. The Examiner has not pointed to anything in any of the cited references that would provide a motivation for those skilled in the art to combine them. Furthermore, Suzuki does not supplement the deficiencies of the combination of Barker and Bergeron. Suzuki does not disclose either a central dictation system or a voice mail system to which voice data files are directed on the basis of the information in the corresponding header. The cited references, either alone or in combination, do not disclose or suggest the claimed subject matter.

6. *Rejection of Claims 26 and 41 over Barker in view of Bergeron and Salazar*

The Examiner rejected claims 26 and 41 over Barker (U.S. Pat. No. 5,818,800) in view of Bergeron (U.S. Pat. No. 5,033,077) and Salazar (U.S. Pat. No. 5,774,841).<sup>21</sup> Claim 26 depends from amended claim 21, and is thus not obvious over Barker in view of Bergeron for the reasons

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<sup>20</sup> Paper No. 7 at p. 19.

set forth *supra* in section II.A.4.b. The Examiner has not pointed to anything in any of the cited references that would provide a motivation for those skilled in the art to combine them. Furthermore, Salazar does not supplement the deficiency of the combination Barker and Bergeron because Salazar neither discloses nor suggests a header corresponding to voice data on the basis of which a computer transfers the voice data file to a voice mail system. Claim 41 depends from claim 40, and is thus not obvious over Barker in view of Bergeron for the reasons set forth *supra* in section II.A.4.c. Salazar does not supplement the deficiency of that combination because nothing in Salazar discloses or suggests using speech recognition to generate a header for use by a computer to route a voice data file. None of Barker, Bergeron, Salazar, or any combination thereof discloses or suggests the elements and features as claimed in claims 26 and 41.

7. *Rejection of Claim 43 over Barker in view of Bergeron and Raji*

The Examiner rejected claim 43 over Barker (U.S. Pat. No. 5,818,800) in view of Bergeron (U.S. Pat. No. 5,033,077) and Raji (U.S. Pat. No. 5,812,882). Claim 43 depends from claim 40, and is thus not obvious over the combination of Barker and Bergeron for the reasons set forth *supra* in section II.A.4.c. The Examiner has not pointed to anything in any of the cited references that would provide a motivation for those skilled in the art to combine them. Furthermore, Raji does not supplement the deficiencies of the combination of Barker and Bergeron. Raji does not disclose or suggest using speech recognition to generate a header for use by a computer to route a voice data file, nor does anything in the combination of all three cited references.

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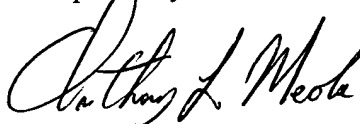
<sup>21</sup> Paper No. 7 at p. 21.

### III. CONCLUSION

Applicants respectfully suggest that all of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,



Anthony L. Meola (Reg. No. 44,936)  
Michael J. Stimson (Reg. No. 45,429)

Date: June 26, 2002

HOWREY SIMON ARNOLD & WHITE, LLP  
Box No. 34  
1299 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2402  
(202) 783-0800

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

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Please enter the following amendments:

**In the Specification:**

*Please replace the paragraph on page 5 spanning lines 5-15 with the following:*

The PC 16 is preferably of conventional construction, including a display 18, keyboard 20 and mouse 22. Among other functions, the PC 16 receives and stores voice data files transferred to the PC 16 from the recorder 12. Details of software which controls the PC 16 in connection with its interactions with the recorder 12 are set forth in co-pending patent application serial no. 09/190,196, filed November 12, 1998 [\_\_\_\_\_] (Attorney Docket No. B653-021)] , entitled "VOICE FILE MANAGEMENT IN PORTABLE DIGITAL AUDIO RECORDER," which has common inventors and a common assignee with the present application.

**In the Claims:**

*Please cancel claims 22 and 28 without prejudice to or disclaimer of the claimed subject matter.*

*Please amend claim 21 to read:*

21 (twice amended). A voice data management system, comprising:

a portable digital audio recorder which includes memory means for storing a plurality of voice data files, said memory means storing corresponding header data in association with each of the stored voice data files;

a personal computer;

means for transferring said voice data files and the corresponding header data from the portable recorder to the personal computer;

a plurality of information processing devices other than said portable recorder and said personal computer; and

means, interconnecting said personal computer with said plurality of information processing devices, for permitting transmission of data from said personal computer to a selected one of said plurality of data processing devices;

wherein said personal computer reads said header data transferred to the personal computer, and on the basis of said header data, selects one of said plurality of information processing devices to receive a voice data file corresponding to said header data and transmits the corresponding voice data file to the selected data processing device, **and wherein one of said plurality of information processing devices selected by said personal computer is a voice mail system.**

***Please add new claims 44-46:***

44 (new). A voice data management system according to claim 1, wherein said header data that is used to determine whether to transfer the corresponding voice data file to said other information processing device is indicative of an identity of said portable digital audio recorder.

45 (new). A voice data management system according to claim 1, wherein said header data that is used to determine whether to transfer the corresponding voice data file to said

other information processing device is indicative of a subject matter of the voice data file corresponding to said header data.

46 (new). A voice data management system according to claim 1, wherein said header data that is used to determine whether to transfer the corresponding voice data file to said other information processing device is indicative of a work type of the voice data file corresponding to said header data.